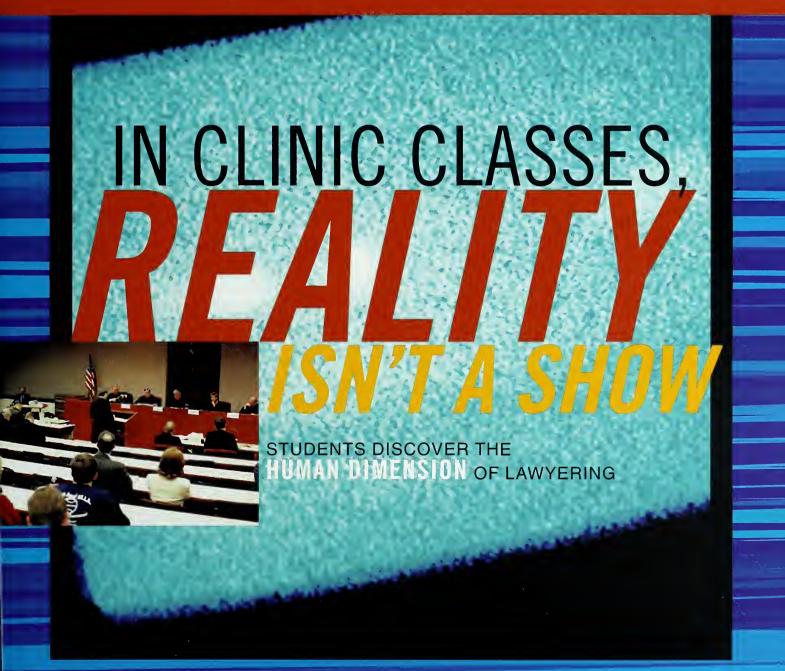
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the magazine of Wake Forest University School of Law





Wake Forest URIST Contents

volume 34 number 2 . Summer 2004

FEATURES

page 12

In Clinic Classes, Reality Isn't a Show

by Theresa Bowers

Students Discover the Human Dimensions of Lawyering

page 18

Re-thinking Brown v. Board by Wendy Parker

What the Past Fifty Years Has Taught Us

DEPARTMENTS

page 2

Dean's Column

page 4

Briefs

page 10

Faculty Notes

page 22

Alumni Notes

page 30

Alumni Profile

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PHOTOGRAPHY Bernard J. Carpenter, Ken Bennett, voicesofcivilrights.org

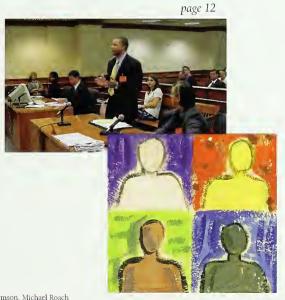
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PRINTING Hutchison-Allgood

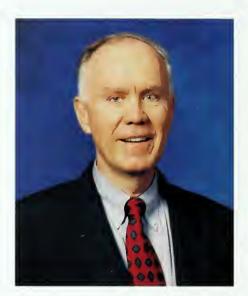
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Send classnotes to Jurist Notes, PO. Box 7205 Reynolda Station, Winston-Salem, NC 27109-7205. Send letters to the editor and other correspondence to Wake Forest Jurist, P.O. Box 7206 Reynolda Station, Winston-Salem, NC 27109-7206. Send alumni address changes to Alumni Records, P.O. Box 7227 Reynolda Station, Winston-Salem, NC 27109-7227. Send all other address changes to P.O. Box 7206 Reynolda Station, Winston-Salem, NC 27109-7206.

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page 18



T DOES A DEAN'S HEART GOOD to see a cover of a national magazine like that from the *National Jurist* a couple of months ago. The cover of the magazine proclaims the feature article is "Best Value: Law Schools" and below that headline is a simple white baseball cap with the words "Wake Law." The feature article ranked Wake Forest University School of the Law as the nation's number one "best private law school for your money."

In the perhaps more famous (or infamous) ranking of law schools, that by *U.S.News & World Report*, we were ranked about a month later as 34th of America's 185 ABA-accredited law schools. This is certainly better than a poke in the eye with a sharp stick, but it is not as wonderful as being ranked first. However, if you ever study the weighted factors in *U.S.News*' ranking formula, I believe you would readily see that almost none of them has much to do with educating students to practice law, hopefully the prime goal of a law school. The closest factor that has anything to do with teaching and learning is the student to teacher ratio, which in effect has a weight of three percent in the ranking. The two heaviest factors

in the U.S. News ranking are reputation (40 percent) and admissions selectivity (25 percent). Within reputation, 25 percent is reputation with other academics and 15 percent with lawyers and judges. If these reputational surveys were sought to be introduced as expert opinion in a trial, the opinions would certainly be excluded as not sufficiently based upon knowledge of proper factual predicates. I was involved in the ABA accreditation process at the highest level for many years. I have had access to at least two long inspection team reports on all of the law schools. I probably have had more access to relevant information than virtually anyone else who would be asked to fill out these reputational surveys. I could not come close to ranking even a handful of the 185 law schools as to the quality of their educational programs with any accuracy. Several years ago lawyers were asked to rank law schools in a similar national survey. The list included Princeton University, which the lawyers rated in the very top tier, notwithstanding that Princeton does not have a law school

Another ranking of law schools in which our school excelled was in an article in the Journal of Legal Studies. A University of Texas law professor did a ranking of law faculties based on books published and articles in major law reviews per faculty member. The Wake Forest law faculty was ranked third in books published per faculty member and 11th of 185 schools in productivity in law reviews. The Texas professor then compared his rank of actual productivity against the U.S. News & World Report academic survey rank and made a list of the ten most underrated law faculties, which included ours. Finally, still another ranking of law schools, that of the Princeton Review, is supposedly based on a studentsatisfaction survey with various parts of law school programs. For the most part, the Princeton Review ranking list is a reverse of U.S.News'. The higher a school is in the U.S.News survey, the lower it is in the student-satisfaction survey. For the past several years, Wake Forest has been well within

the top quarter in both of these surveys. Very few other law schools can make that claim.

Each year, the three major national organizations of American legal education, the American Bar Association, the Association of American Law Schools, and the Law School Admission Council, issue a warning to law school applicants that rankings such as U.S.News' should not be used to choose a law school. Nevertheless, despite these admonitions, applicants still make admissions decisions based upon relative ranking in U.S.News in particular. In addition, our students who are interested in working in parts of the country that are not in our traditional region are convinced that the higher Wake Forest is in the rankings, the easier it will be for them to get a job. I am not particularly convinced about this, but our students are.

The point of this reflection on rankings is that we must be careful not to focus on improving our ranking as an end in itself or to really think that which way we go in the rankings really indicates that our program is any better or worse than it was the previous year. Deans of many other law schools have told me that their law school's ranking in U.S.News has gone up in years when they made no true change in their programs and has gone down in years when they have made some great strides. At least the National Jurist ranking as the best private law school value in the nation was based on objective factors that have something to do with a successful program of legal education. The selection was based on six factors which included (1) high bar passage rates, (2) percentage of graduates employed after graduation, (3) faculty to student ratios, (4) low tuition, (5) median grants to students as a percentage of tuition, and (6) clinic slots available.

Certainly, being high in the rankings helps our law school to become more nationally known, and we should consider ways to improve our educational program that also might result in improving our rankings. However, we must remember that we should never focus on the rankings as a substitute for the true goal of bettering our educational program, while remaining dedicated to the Wake Forest tradition of emphasizing a personalized teaching relationship between faculty and students and inculcating the values of the legal profession. Δ

- Dean Robert K. Walsh

We must remember that we should never focus on the rankings as a substitute for the true goal of bettering our educational program. 4 Brief

WFU Law Named "Best Private School For Your Money"

N SEARCH OF the best value in legal education, *National Jurist* magazine recently, ranked US law schools based upon six objective factors: tuition, bar pass rates, unemployment rates for graduates, the median grant given to students as a percent of tuition, number

Bar Exam Survey Survey

National Jurist

of clinic slots available as compared to total enrollment and student/faculty ratio. Wake Forest University School of Law landed the top spot as the best value among private law schools — or, as *National Jurist* says, "the most bang for the buck".

Anyone who really knows Wake Forest Law School is not too surprised by *National Jurist's* announcement. With a mod-

erate tuition compared to other nationally renowned private law schools and a significant amount of available scholarship funding, Wake Forest deliberately enrolls a small entering class of 160 outstanding students. This allows for sections of only 40 students in each first year course (the exception is Legal Research and Writing where classes are even smaller with only 20 students per class). These seminar-like classes foster a collegial peer group among students and close relationships between students and professors. While the Law School encourages challenging intellectual exchange in the classroom, it is not unusual for faculty to invite groups of students to their homes or out to lunch to continue these classroom dialogues in a more informal atmosphere.

In addition to these personal classroom and extended classroom experiences, upper level Wake Forest students have ample opportunities to enroll in legal clinics where they can put their newly learned legal skills into action. Wake Forests Litigation and Elder Law Clinics allow students to assist clients with a variety of legal problems while working under the supervision of skilled practitioners. To date, every Wake Forest student who has desired a clinical experience has had an opportunity to enroll in one of the clinics before graduation. More than 1/2 of all Wake Forest students voluntarily enroll in a clinic, a percentage far exceeding the norm at most U.S. law schools.

All of these experiences contribute to excellent bar passage rates and high rates of employment for Wake Forest Law grads and an overall

quality legal education. Perhaps the best measure, though, of the value of the education at Wake Forest Law School lies in the satisfaction of its wide alumni network. Wake Forest grads are overwhelmingly enthusiastic and positive about their academic experiences during law school and maintain strong personal and professional bonds with former classmates and professors throughout their legal careers. It is this pervasive atmosphere of collegiality, in addi-

tion to a superior academic program, that makes Wake Forest Law a true value and the "most bang for the buck" among private law schools.

Professor Buddy Herring Retires

FTER 31 YEARS OF SERVICE at the School of Law, Buddy Herring has retired. Professor Herring wore many hats in his association with Wake Forest and the Law School. He is a double-Deacon earning a BA in 1968 and a JD in 1971. He left for a short time to join a law

firm in Connecticut, but returned in 1973 as Director of Placement at the Law School. In 1974

he became Assistant Dean and then started his tenure track to become a professor in 1984. Herring taught Property 1 and 1I, Dispute Resolution, and Family Law.

Professor Herring has already moved to Florida to begin this new chapter in his life. We wish him well in



Professor Buddy Herring

the land of "sun and fun" and look forward to seeing him occasionally when he returns as a speaker for the WFU CLE Annual Review.

New Faculty Members Complete First Year at Law School

PARKER joined the Law School faculty in July 2003, bringing rich professional backgrounds and a vigorous enthusiasm for teaching and research within their specialty areas. Their positive impact on the Law School has already been recognized by both colleagues and students.

JENNIFER COLLINS grew up outside of Boston, so she is particularly appreciative of Winston-Salem's wonderful southern weather. After graduating from Yale University, she attended Harvard Law School where she met her husband, Adam Charnes, while working together on the Harvard Law Review. Following graduation, Jennifer clerked for the Honorable Dorothy

Nelson of the United States Court of Appeals for the Ninth Circuit in San Francisco, California. Her next career move brought her back to the east coast to work as an associate at Miller, Cassidy, Larroca & Lewin (recently merged with Baker and Botts), a well respected litigation boutique in Washington, D.C.

After a brief stint in private practice, she directed her litigation and advocacy skills to the public sector, accepting a position as an Assistant United States Attorney in the District of Columbia where she specialized in homicide cases.

Although this position was demanding, involving dozens of jury trials, it was also extremely gratifying because she could see the positive effects of her work on the lives of the victims and in the community. Jennifer still keeps in close contact today with the families of the murder victims from several of the cases she prosecuted.

After seven years in the United States Attorney's Office, Jennifer began to explore a new career in teaching at the law school level. Fortunately for Wake Forest, her timing for this career change coincided perfectly with the

Law School's need for an expert in the criminal law area. She was hired as an Assistant Professor of Law and now concentrates her teaching and scholarship in the areas of criminal law, criminal procedure and family law. She is particularly interested in the treatment of child victims within the criminal justice system.

She and her family have enjoyed their relocation to Winston-Salem and are especially enthusiastic about the quality of life offered in this area. Jennifer and Adam have three children, four-year-old twins and a two-year-old. Her

PROFESSORS RECEIVE LAW SCHOOL TEACHING AWARDS

EACH ACADEMIC YEAR the Law School community recognizes the outstanding teaching talents of our faculty with the presentation of three awards: The Joseph Branch Excellence in Teaching Award, the Jurist Award for Excellence in Teaching and the Graham Teacher of the Year Award.



Professor Michael Green

Professor Michael Green was selected as this year's recipient of the Joseph Branch Excellence in Teaching Award. Professor Green holds the Bess and Walter Williams Distinguished Chair and teaches and writes about tort law, products liability, complex litigation, and toxic substances litigation. He joined the Wake Forest faculty in 2000 after teaching at Iowa College of Law for fifteen years. Green is known for his energetic demeanor and quick wit in the classroom and his willingness to spend time with students outside of the classroom. It is not unusual to find him surrounded by stu-

dents engaged in enthusiastic dialogue in the hallways, in his office, in our on-campus food court and even on the tennis court. Professor Green accepted the 2003-2004 Branch Award at the Law School's Partners' Banquet and

was again recognized by the University at the Founders' Day Convocation in February.

Professors Bobby Chesney and Chris Coughlin were selected by the Class of 2004 to receive this year's Student Bar Association Teacher of the Year Awards. At a springtime ceremony in the Law School courtyard, Bobby Chesney, Assistant Professor of Law, was honored as the recipient of the 2004 Jurist Award for Excellence in Teaching and Chris Coughlin, Director of Legal



Professor Bobby Chesney

Research and Writing and Professor of Legal Writing, was honored as the recipient of the 2004 Graham Teacher of the Year Award.

The Jurist Award is given for outstanding classroom teaching skills and professionalism. Professor Chesney's enthusiastic and entertaining teaching style and genuine concern for the progress of his students make him an excellent choice for this award. Chesney, a relative newcomer to the Law School, joined the faculty in July 2002 after clerking for the U.S. Court of Appeals, 2nd Circuit and practicing with Davis Polk and Wardwell in New York. He currently teaches Civil Procedure, Evidence, Individual Rights and Constitutional Law. He was also recently selected by students as the featured faculty member in the Law School series "A Conversation With ...", a program designed to introduce students to role models in the legal profession.

The Graham Teacher of the Year Award recognizes a Legal Writing Professor who demonstrates excellent teaching techniques, rapport with students and outstanding analytical and writing abilities. Professor Chris Coughlin, a teach-

er in the Legal Research and Writing Program since 2000 and its director since 2001, consistently receives praise from her students for her deep devotion to teaching and to her students. She continuously searches for innovative teaching methods to assist students in improving their written and oral communications skills in preparation for legal practice. Coughlin brings a wealth of practical experience to her position. Prior to joining the Law School faculty, Professor Coughlin clerked for the U.S. Bankruptcy Court



Professor Chris Coughlin

in the Eastern District of North Carolina and practiced health care law and general litigation with Smith Helms Mulliss & Moore, L.L.P. In addition to her duties in the Legal Research and Writing program, she also teaches Law and Medicine at the Law School and is frequently asked to deliver presentations at Wake Forest's Medical School.

Briefs

interest in issues involving children is reflected in her activities outside the office; she has recently joined the Board of the local children's theatre

and is deeply involved with her children's schools.



inni er Collins

WENDY PARKER is from Texas, loves Texas, and never thought she would leave Texas. Now, she and her husband. Max Smith, with their two children are in Winston-Salem, North Carolina, and loving it! They have already traveled to several North Carolina beaches, including

the Outer Banks and Emerald Isle. Wendy speaks so highly of Wake Forest that you almost forget that she is a Texas Longhorn at heart.

Always viewing the law as a tool for social change. Wendy's first position after graduating from The University of Texas School of Law was as a Skadden Fellow for the Lawyers' Committee for Civil Rights. She then worked for the U.S. Department of Justice in the Civil Rights Division, Educational Opportunities Litigation Section.

In both positions, she litigated school desegregation cases for six years until joining the faculty at the University of Cincinnati College of Law. At Cincinnati, her litigation experience became the backdrop for her academic scholarship on civil rights, writing in the area of school deseg-

regation and remedies for racial and ethnic discrimination. In addition to receiving national recognition for her scholarship, Professor Parker twice won the University of Cincinnati's highest award for teaching excellence.

In another turn of good fortune for Wake Forest, Wendy began to explore the possibility of teaching at other law schools and eventually joined the Law School last sum-

mer as a tenured faculty member. She teaches civil procedure, civil rights remedies, remedies, and torts and continues her scholarship in civil rights.

She has already become active in the North Carolina legal community and was recently asked to put her practice background and scholarly interests into action by participating in a reargument of the *Brown v. Board* decision as part of the North Carolina Bar Association's celebration of this landmark case. She graciously accepted the difficult and personally challenging assignment of representing the Board of Education, arguing against noted civil rights attorney James

Ferguson who represented the plaintiffs. Professor Parker and Mr. Ferguson gave the audience a superb history lesson on the complex issues involved in this important case.

As you might expect, Professors Collins and Parker have made a positive impression in the classroom. Students rave about their classes and the practical experience that they bring

to their subject areas. Both professors care deeply about the education of their students, and as is typical of many Wake Forest professors, they spend many hours outside of class working with individual students. Their affection for both teaching and scholarship makes each of them a natural "fit" for Wake Forest.



Wendy Parker

LAW SCHOOL'S DOMESTIC VIOLENCE ADVOCACY CENTER STUDENT VOLUNTEERS WIN AWARD FROM NC BAR

HE NORTH CAROLINA BAR ASSOCIATION has chosen Wake Forest's Domestic Violence Advocacy Center (DVAC) to receive the 2004 Law Student Pro Bono Award. The award is selected each year by members of the Bar's Public Service Advisory Committee and the Young Lawyer's Division Pro Bono Committee. It honors a law student group that has organized an outstanding pro bono project. DVAC student leaders Megan Fontana and Jessica Bell, along with faculty advisor Professor Suzanne Reynolds, accepted the award at the NC Bar Association Annual Meeting at the Grove Park Inn in Asheville on June 18.

Wake Forest's Domestic Violence Advocacy Center student organization was originally formed in 1996 as part of a larger DVAC program created by the Forsyth County Bar, Wake Forest University and the Legal Aid Society of Northwest North Carolina. The goal of this partnership was to provide



DVAC officers Megan Fontana (from right) and Jessica Bell, with faculty advisor Suzanne Reynolds, accept award from NC Bar Association President Allyson Duncan.

free legal assistance to domestic abuse victims. This is still the primary project for Wake Forest Law School's DVAC student organization; however, the group's effort to assist domestic abuse victims now extends to other activities, and the organization includes over 100 law students.

Through the original DVAC partnership, Wake Forest Law School DVAC members who have completed the requisites for a North Carolina Student

It has been the Law School community's pleasure to welcome these two outstanding professors and their families to Wake Forest. If this first year is any indication, we can look forward to significant contributions from Professors Collins and Parker within our classrooms and beyond.

Wake Forest Appoints New University Distinguished Chair in Law

A. Shapiro as the new University Distinguished Chair in Law. Shapiro is a national scholar and expert

in administrative law and regulatory policy. He comes to Wake Forest from the University of Kansas where he was the John M. Rounds Professor of Law and Associate Dean for Research.

Professor Shapiro has written six books, contributed chapters to six additional books, and has written over 45 articles in his area of the law. He has also presented papers to over 40 universities, agencies, associations, and committees throughout the United States and at the University of Limerick in Ireland and the US/European Biotechnology Initiative Workshop in Florence, Italy. His scholarly work has generated numerous honors, awards, funded research grants and fellowships.

Professor Shapiro graduated cum laude with a BS from the Wharton School of Finance and Commerce at the University of Pennsylvania in 1970. He received his JD cum laude from the University of Pennsylvania Law School in 1973. Shapiro is married and has two children.

Professor Shapiro's appointment as the University Distinguished Chair in Law is an expression of the Law School's and the University's strong commitment to continued excellence in teaching, scholarship, and service.



Professor Sidney A. Shapiro

Practice Certificate volunteer significant time and resources to work with local attorneys representing domestic abuse victims during initial legal proceedings. Legal Aid staff interview potential clients and assign law students to work with volunteer lawyers to prepare each client's case for a hearing where long-lasting protections from the abuser can be implemented. This careful case preparation involves a substantial time commitment by the student and is done within stressful and unpredictable time constraints. This year twenty students from the Law School's DVAC student organization made time in their hectic schedules to volunteer for this service.

This program has been hailed as a success since its inception. In 2003, the DVAC program assisted 241 clients. 75% of these clients pursued legal remedies beyond the emergency ex-parte protective order. 80% of the clients who pursued legal remedies were successful in their claims. Often where there were children involved, the lawyer/student team negotiated the whole child custody, visitation and support package for the client.

In addition to assisting domestic abuse victims with legal claims, members of Wake Forest's DVAC organization worked with Family Services to assist victims and their families in other meaningful ways. During the fall of 2003, Family Services asked members of DVAC to participate in the Court

Performance Standards Project. Students observed domestic violence hearings and recorded the demeanor of the court, as well as the actions taken against the domestic violence offenders. Evaluations were sent to the Administrative Office of the courts which is reviewing the effectiveness of the NC courts in domestic abuse cases. Also, groups of students went regularly to a local women's shelter each Thursday and Friday to entertain the children and prepare meals, giving the parents time to care for personal and business needs. In addition, the organization is working with Family Services to organize a campaign to distribute literature outlining the legal remedies available for persons in an abusive situation. All of these activities give a wide-range of students an avenue to support domestic abuse victims as the students wait to reach the point in their law school careers when they can be certified to help with legal proceedings.

The Wake Forest Law School DVAC student organization is well deserving of recognition for the many pro bono projects that its law student members have undertaken during the 2003-2004 year. Our congratulations are extended to the members of DVAC for the contributions that they have made to the lives of families in our community, to the Forsyth County justice system and to Wake Forest School of Law.

Briefs

EXCEPTIONAL 2004 GRADUATES RECEIVE THE DEANS' STUDENT LEADERSHIP AWARD

HE LAW SCHOOL recently honored two 2004 graduates with the Deans' Student Leadership Award at the Law School's Hooding Ceremony. This distinctive award is reserved for a graduating student whose service and leadership within the school and/or the community is so exceptional that he/she merits extraordinary recognition. Only 8 prior graduates of the law school have received this award since its creation in 1991. While it is rare to have one person in a class whose service rises to this level, the Class of 2004 had two exceptional members who deserve this special recognition.

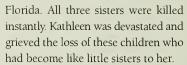
K. THLEEN M. MALONEY

Kathleen Maloney's quiet and unassuming demeanor masks the powerful and influential impact that she has had on the lives of others during her time at Wake Forest Law School. While keeping up with the demanding academic schedule of a law student, Kathleen has devoted much of her precious free time to helping children in need, both in Winston-Salem and around the world.

Early in her law school tenure, she became heavily involved with the Guardian Ad Litem (GAL) Program in Winston-Salem. GAL trains volunteers to act as advocates for children in the custody of the Department of Social Services. Kathleen was assigned to represent the interests of three sisters who had been sexually abused by the boyfriend of a family member. She visited these young girls at their foster homes each weekend, often

missing out on social activities with her own friends. The court eventually granted custody of the girls to their grandmother who lived in Florida.

Although it was difficult to see the children leave Winston-Salem, Kathleen hoped that this would be the start of a good life for each of them. Tragically, the girls and their grandmother were in a serious car accident within days of their arrival in



She immediately channeled her grief into constructive action, continuing to represent other children through GAL and volunteering with the District Attorney's Office to assist in the prosecution of child abusers. Even though one of the abuse cases reached a critical point during her law school exam period, she persisted in researching issues and writing a brief - all of this done at a time when most students would not think of taking on any extra work. This brief ultimately convinced the judge in this case to allow significant evidence into the trial under a hearsay exception and persuaded the abuser to accept a plea bargain which sent him to prison.

During the summer after her second year of law school, Kathleen took her passion for helping children to a foreign land. After writing a paper on sex crimes in third world countries, she volunteered to work with the National Network Against Girl Trafficking, an organization that rescues

children from this mistreatment. This required Kathleen to travel to Nepal, a place where she knew no one. She was assigned to live with a local family during the week and spend weekends at a Buddhist monastery that housed victims of sex slavery. The summer was personally rewarding for Kathleen but extremely difficult —



Kathleen Maloney with Provost Gordon

while most people were friendly, some were not; she lived amidst abject poverty in a country where women do not have the same freedoms as American women; and the life stories of the young girls at the monastery were sad and emotionally draining.

During her weekend visits to the monastery, she offered compassion and hope to the girls who were housed there. She spent hours playing games with the younger children and offering support to the older girls. Her weekdays were spent researching legal means to abolish this horrific practice and to punish those involved. In spite of these difficulties, one of Kathleen's friends says, "Kathleen stuck it out, and when she describes her summer there, she does so in such a way that one would believe that she enjoyed every minute of the hardship she endured."

In addition to helping people through the formal efforts of various volunteer organizations, Kathleen embodies the ideal of a humanitarian in her daily life. She is always there for a friend in need, calls people on their birthdays and even offers rides to homeless strangers (something that her friends have argued with her about many times).

For the past three years, our Wake Forest and local communities have been enriched by Kathleen's generous spirit. Without fanfare and with no expectation of recognition, Kathleen has quietly changed the lives of some and inspired everyone who knew her. One of her classmates sums Kathleen's life up in this way, "She lives as a good person and inspires those around her to do the same...I have no doubt that Kathleen will take this law school experience and in many, many ways, make the world a better place.

CHRISTINE C. BISCHOFF

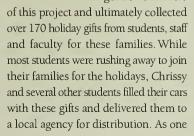
From the moment she enrolled at the law school, it was evident that Christine (Chrissy) Bischoff was going to leave an indelible mark on the law school community. In addition to standing out in the classroom as an

intellectually curious student who always had a heart for the "underdog," she quickly became involved outside of the classroom in one of the law school's most active student organizations, the Public Interest Law Organization (PILO). She eventually became PILO's president during her second and third years.

Chrissy spent countless hours organizing projects to fulfill PILO's mission of supporting students who plan to enter the public interest arena and encouraging students to become involved in community service. Each year, she worked tirelessly to insure that the traditional PILO auction successfully raised funding to provide summer living stipends for students who volunteer with public interest employers. Under her leadership, PILO raised a record amount of funding for the summer of 2003 and even exceeded this record in 2004.

In spite of her busy schedule, Chrissy always made time for community service, and her enthusiasm for these projects was contagious. One example of this contagious enthusiasm and its positive effect on our com-

munity occurred late last fall. In December, as she was preparing for exams, Chrissy arranged for PILO and four other student organizations to sponsor a Christmas Angel Tree at the law school to provide holiday gifts for needy families in the Winston-Salem area. During study breaks, she bombarded the law school with gentle reminders



of her classmates noted, "She does it all — because she believes it's the right thing to do."

During Chrissy's tenure at the law school, she was affectionately known as the Law School's "conscience." She often challenged her classmates to see issues from the viewpoint of the other side; she also challenged the administration to sponsor events to encourage open discussion and civil dialogue on difficult but important issues. Chrissy has the rare talent of making these challenges in a compelling but non-offensive way. One of her classmates noted the genuine affection and respect felt toward her by her peers by saying, "She is positive in a way that is absolutely contagious. I've never walked away from a conversation with her without a smile on my face."

Next year, Chrissy Bischoff will take her passion for helping others, her optimistic attitude and her leadership talents to Princeton's School of Public Policy where she will work on a Masters in Public Policy to complement her law degree. While she does not know exactly what the future holds, she hopes to become a leader in a non-profit organization that assists the most helpless members of our communities.

The Law School salutes these outstanding graduates and proudly recognizes their leadership and service within the Law School and beyond. Both women lead by example and embrace the "Pro Humanitate" spirit encouraged throughout Wake Forest University.



Christine Bischoff with Provost Gordon

PROFESSOR CAROL ANDERSON

has been using her new book, Anderson on Advocacy, as course material for CLE presentations around the state, including, by special request, a presentation at the annual meeting of the North Carolina Bar Association at the Grove Park Inn in Asheville. The latter presentation was styled, appropriately enough, "Anderson on Advocacy." Professor Anderson is also serving on the Ethics Committee of the North Carolina State Bar.

PROFESSOR RHODA BILLINGS, who claims to be enjoying retirement (alas!), has recently been named to the National Committee on the Right to Counsel established by the Constitution Project of Georgetown University's Public Policy Institute and the National Legal And and Defender Association.

PROFESSOR DON CASTLEMAN is a member of the Legislative Committee of the Trusts. Estates. and Probate Section of the North Carolina Bar Association. His committee has spent the last two years preparing a revision of Chapter 36A of the General Statutes (Trusts) based on

the Uniform Trust Code. Professor Castleman had principal responsibility for the portion of the revision dealing with Charitable Trusts.

PROFESSOR ROBERT CHESNEY's new article, "Democratic-Republican Societies, Subversion, and the Limits of Political Dissent in the Early Republic," will appear in the June issue of the North Carolina Law Review. During the spring Professor Chesney participated as a panelist at a Florida International University conference comparing U.S. and E.U. approaches to terrorism, and he also participated in a nation security law training session, at Syracuse University, for mid-career military and civilian officials from the Department of Defense.

PROFESSOR MICHAEL CURTIS gave a talk this spring at a University of Maryland School of Law symposium on the "New First Amendment." His talk was entitled "The Ecology of Freedom of Expression: Public Power, Private Power, and Regulation." Professor Curtis also attended this spring, as an invited participant, a Liberty Fund Conference on Constitutional Interpretation. Furthermore, as if he did not have

enough to do, Professor Curtis published several articles recently: "John A. Bingham and the Story of American Liberty: the Lost Cause Meets the 'Lost Clause," in the Akron Law Review; "Judicial Review and Populism," in the Wake Forest Law Review (a symposium issue on Marbury v. Madison); "The Court and the Empire," a book review in Constitutional Commentary, reviewing James G. Wilson, The Imperial Republic: a Structural History of American Constitutionalism from the Colonial Era to the Beginning of the Twentieth Century; and "Democratic Ideals and Media Realities," in the Journal of Social Philosophy and Policy. The last article has been reprinted in Freedom of Speech, published by the Cambridge University Press.

PROFESSOR SHANNON GILREATH

has published a new article, "The Technicolor Constitution: Popular Constitutionalism, Ethical Norms, and Legal Pedagogy," in the *Texas Journal of Civil Liberties*. Furthermore, he has been appointed to the Board of Directors of the North Carolina Central University Museum of Art, and he was asked to speak this June at a CLE program sponsored by the North Carolina Volunteer Lawyers for the Arts.

BRIEFS



J. Abella with students on the "Conversation With Committee

"A Conversation with Justice Rosalie Abella" was held on January 22. Justice Abella is on the Ontario Court of Appeal and is a distinguished jurist and one of Canada's most respected public figures. She has been awarded 17 honorary doctorates and has written or co-edited four books and written almost 70 articles. "A Conversation with Professor Bobby Chesney" was held on March 25. Professor Chesney spoke about his experiences as an associate in the litigation department of Davis Polk & Wardwell in New York City and as a clerk for the Honorable Robert D. Sack of the United States Court of Appeals for the Second Circuit and the Honorable Lewis A. Kaplan of the United States District Court for the Southern District of New York. He also fielded questions about his decision to enter the legal academy and his classroom philosophies.

The Black Law Student Association Scholarship Banquet was held on February 20 with Judge Allyson K. Duncan as the keynote speaker. Judge Duncan is on the U. S. Circuit Court of Appeals for the Fourth Circuit and at that time was President of the North Carolina Bar Association.

Wham A Lovett. The Joseph Merrick Jones Professor of Law and Empirics at Tulane University School of Law and Tulanes International Law Trade and Finance Program presented a program at the Law School on "Global Empiric" Under Great Strain: Security, Finance, and Trade



Professor Suzanne Reynolds (far right) with the Gabrielli team.

The Gabrielli Moot Court team of the School of Law won the Domenick L. Gabrielli Family Law Moot Court Competition. This is a national family law competition in which Wake Forest competed against 23 teams from 18 schools. The winning team members are Scott Bayzle, Ben Brightwell, and Sarah Spisich. Scott Bayzle also won best oralist.

♦ Mark S. Ellis, Executive Director of the International

Bar Association, talked at the Law School on "The Jurisdiction of the International Criminal Court" on March 17.

Faculty Notes

PROFESSOR SALLY IRVIN is presenting a program this summer in Boston at the Annual Meeting and Conference of the American Association of Law Libraries. Her topic is "Beyond the Traditional Curriculum: How to Create and Teach a Law Practice Technology Course."

PROFESSOR JOHN KORZEN has published a new article, "Just the Facts: Ten Tips for Writing a Persuasive Statement of Facts," in *Trial Briefs*, a bi-monthly publication of the North Carolina Academy of Trial Lawyers.

PROFESSOR KATE MEWHINNEY has served recently as Chair of the North Carolina Bar Association's Elder Law Section. She was a panelist at a recent conference sponsored by the Wake Forest Elder Law Clinic on the law and ethics of the "right to die." She has served as a legal consultant to the North Carolina Medical Board on the legal standards that apply to end-of-life, palliative care cases, and she has appeared before the Board of Governors of the North Carolina Bar Association and the Health Law Section's Executive Council concerning a proposed bill to make it a felony to "assist in suicide."

PROFESSOR WENDY PARKER participated bravely and ably in the re-enactment of the famous oral argument before the Supreme Court in *Brown v. Board of Education*, a program sponsored by the North Carolina Bar Association in May of this year.

PROFESSOR TOM ROBERTS has just published the 4th edition of his well-received casebook on land use regulation, *Cases and Materials on Land Use*, published by West Publishing Company (with Callies and Freilich). Furthermore, he has published two recent articles: "An Analysis of *Tahoe-Sierra* and Its Help and Hindrance in Understanding the Concept of a Temporary Regulatory Taking," in the *University of Hawaii Law Review*; and "Regulatory Takings in the Wake of *Tahoe-Sierra* and the IOLTA Decision," in the *Urban Lawyer*.

PROFESSOR SIMONE ROSE made a presentation entitled "Recent Developments in Ethics for Intellectual Property Attorneys" at the Annual Meeting of the Intellectual Property Law Section of the North Carolina Bar Association. Her new article, "On Purple Pills, Stem Cells and Other Market Failures: a Case for a Limited Compulsory Licensing

- Scheme for Patent Property," will be the lead article in the *Howard Intellectual Property Law Journal's* symposium issue on the Intersection of Intellectual Property and *Brown*.
- PROFESSOR TOM STEELE has just published an excellent new casebook on law practice management entitled *Materials and Cases on Law Practice Management: a Learning Tool for Law Students* (Lexis/Nexis). Furthermore, Professor Steele has just published a new article, "The MacCrate Report: Its Impact on Education in Law Firm Management," in the *Pace Law Review*. Professor Steele is Chair-Elect of the Proposed Section on Law Practice Management of the American Association of Law Schools.
- PROFESSOR MARGARET TAYLOR presented a paper entitled "Dangerous by Decree: Detention Without Bond in Immigration Proceedings" at a symposium on "Terrorism and the Constitution" at the Annual Meeting of the Association of American Law Schools. She made a similar presentation at a symposium on the "Patriot Act" sponsored by the UNC Law School. Her paper will be published in a forthcoming symposium issue of the Loyola New Orleans Law Review.

PROFESSOR GEORGE WALKER has served as Reporter for the North Carolina Bar Association Family Law Section Drafting Committee, which has just prepared and submitted for the approval of the Section, the Board of Governors, and the General Assembly a comprehensive set of Amendments to the Family Law Arbitration Act, Related Statutes, and Associated Forms and Rules.

PROFESSOR RON WRIGHT has been on leave this spring, serving as a "Visiting Professor of Law and Criminology" at North Carolina State University. He has made several important presentations recently: he spoke in Miami to the Federal Bar Association's Annual Symposium on the Federal Sentencing Guidelines; he spoke in Durham to the North Carolina Symposium on Sentencing and Public Safety, sponsored by Families Against Mandatory Minimums; and he testified last November before the Justice Kennedy Commission of the American Bar Association on the subject of "Plausible Sentencing Reforms, Here and Now, From the State Vantage Point." His new article, "Parity of Resources for Defense Counsel and the Reach of Public Choice Theory," will be published later this year in the Iowa Law Review.

- ❖ "A View from the Bench: Conversations with Women Judges" was presented by women of the judiciary of North Carolina including The Hon. Martha A. Geer and The Hon. Linda M. McGee of the N. C. Court of Appeals, The Hon. Tanya T. Wallace, N. C. 20th District Court, The Hon. Mary P. Devine, N. C. 15B District Court, and The Hon. Ann E. McKown, 14th District Court.
- David Tolbert, The Hague Deputy Registrar of the United Nations International Criminal Tribunal for the Former Yugoslavia (ICTY), gave a lecture at the Law School. His topic was "An Overview of the ICTY by an Insider."
- The George K. Walker Moot Court Competition was held on April 7. The final panel of judges included Chief Judge John C. Martin of the N. C. Court of Appeals, Judge Louise Flanagan of the U. S. District Court in the Eastern District of N. C., and Professor Emeritus Rhoda Billings. Chris Miltenburger won the final competition.
- The Law Review Business Symposium was held on April 16 at the Graylyn International Conference Center. The topic for this year was "Organizational Sentencing: Federal Guidelines and the Benefits of Programs to Prevent and Detect Violations of Law."
- The Law School Hooding Ceremony was held on May 16 with Robert J. Grey Jr., President-Elect of the American Bar Association and a partner at Hunton & Williams in Richmond, VA, as the speaker.

STUDENTS DISCOVER THE HUMAN DIMENSION OF LAWYERING

Wake Forest Jurist . Summer 2004

AT WAKE FOREST UNIVERSITY School of

Law, academe meets real life in two distinctive programs, the Litigation Clinic and the Elder Law Clinic. Both offer students the opportunity for interaction with clients, and many participants have argued cases in real courts.

As Dean Robert K. Walsh sees it, "I always recommend a clinical experience to students, because it makes all the other studies more relevant. While we have other courses that are practice-oriented, a clinical experience is distinctive because it adds passion. When that is part of a learning experience you remember it in a way you might not if it were purely academic, with nothing human at stake. The fact that there is a real client with a real problem that you help to solve reminds you of why you went to law school in the first place."

THE LITIGATION CLINIC has evolved considerably since its inception nearly a quarter-century ago. Professor Carol Anderson, who served as its Associate Director from 1985 until she was appointed Director in 2001, says, "At first the clinic was essentially a Legal Aid clinic; all the students were placed at the Legal Aid Society, which could only accommodate a limited number of students. Since then, we have broadened the

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options substantially. We are blessed with a wonderful community of lawyers who serve as mentors to our students. As a result of the extraordinary support from the legal community, our students have opportunities not only in litigation, but in residential and commercial real estate, general practice, trusts & estates, workers comp, personal injury, family law, intellectual property, corporate counsel's offices, or other types of law that interest them."

Anderson conducts indepth interviews with each

student, to discuss placements and specialty interests. Anderson says, "After these conversations, I have a better idea of what they want and they have a better idea of what they are in for." The other half of each placement is the lawyer who agrees to accept a clinic student. "The lawyers seem to revel in the role of teaching," says Anderson, "and many of them stay in touch with their students for years."

Litigation Clinic students spend at least eight hours per week throughout the semester on their civil assignment, in addition to eight hours each week in a criminal placement at the public defender's or the district attorney's office or with a private criminal defense lawyer (for six weeks). Weekly classroom sessions complement the field work. Anderson says, "District court practice is different from what is taught in trial practice classes. One week we hold class in the courthouse downtown. A real judge presides, and a real DA and a real defense lawyer observe our students try simulated cases. Then the panel critiques each student's performance. Students can make their mistakes in a safe place with people who want to help them learn."



The classroom component of the Litigation Clinic tracks the progress of a civil case from its beginning, starting with client interviewing and counseling. Anderson says, "We talk about discovery, taking depositions, mediating or negotiating a case to settlement. We'll have an expert witness simulation. We cover topics such as: How do you interview a client? How do you handle fees? The first hour of class is basically a lecture format. The second hour is for asking questions of the practicing lawyers we bring in for panel discussions on each topic. The bench and the bar are phenomenally supportive of our program."

Anderson says, "Clinic seems to be great fun for students. Someone they know personally has a stake in the outcome of their cases. It motivates them to work very hard. I love watching these students grow and develop as lawyers. They become different people, much more competent and confident at the end of the semester."

One of those phenomenally cooperative members of the local bar is Jack Van Zandt ('73), who has had a clinic student virtually every semester since 1985 and who is an enthusias-

the fan "Back in the 70's we had very little clinical experience; these students see what the practice of law is all about. Graduates who have this experience are ready to go to work."

Van Zandt says the client contact is very important. "Students learn to develop rapport with clients, analyze problems, suggest solutions (with my guidance) and discuss with the client how to resolve the problem. In some cases students draft letters to opposing parties, which is an ordinary part of a law practice that doesn't really come up in law school. They mature quite a bit; I've seen very shy students come out as they realize that they can do this. Maybe my example shows them it's not impossible. They're enthusiastic and dedicated, and I take pride that my students are actually doing something, not just tagging along."

It's a two-way street according to Van Zandt: "We didn't have computer research when I came out of law school, and the technical side of the law practice has become more important and continues to evolve. Clinic students help me keep current."

Don Tisdale ('68) was the District Attorney when the Litigation Clinic began. Describing the clinic today, he says,

"It's probably one of the only places in the country where law students get real trial experience with real defendants and real witnesses. It gives them exposure to criminal practice; they visit clients in jail, which is a new experience for just about all of them. Some of them are grateful that they learn what they want to do — others are just as grateful to learn what they don't want to do."

Tisdale comments further, "They also get to ask questions about how to run the business aspect of lawyering. If you make the mistake of saying, ask whatever you want to know, they'll take you up on it. Some of them have been outstanding, and you know they are going to be really, really good. I'm impressed with their good character as well as their credentials."

Professor Kate Mewhinney, Managing Attorney of the **ELDER LAW CLINIC**, currently chairs the Elder Law Section of the

North Carolina Bar Association and serves on the Board of the National Elder Law Foundation. Her expertise and prominence



LITIGATION CLINIC STUDENT TESTIMONY

LINDSEY CAMP ('04) SAYS, 'I had excellent experiences. I attended depositions, participated in client interviews, drafted discovery. [My attorney] actually gave me my own client, a nonprofit client facing an EEOC charge. I interviewed the client, gathered documents, and prepared an EEOC statement of position. That's something that I probably wouldn't get to do until I had been working in a firm for at least a year."

As part of her criminal placement, Camp attended a plea bargaining session. She says. This concerned a first-degree murder charge, with the potential of the death penalty. The defendant — who was my age — had confessed to the crime. It's not something I think I'll use in practice, but it was definitely eye-opening."

Chrissy Foglio (*04) will clerk for Judge Waters in Superior Court of Cumberland County of New Jersey after graduation. She says: When I interviewed for my job, the clinic was the last toing they asked me about. The misdemeanor mal I got to try probably got me

the job. I originally intended to do family law and it, the clinic I had the opportunity to work for a family law attorney. He was wonderful, but the experience taught me that I didn't enjoy it as much as I did the cuminal side of the clinic I think after my clerkship I want to do trial work, possibly in a DA's office."

When Gabi Macon ('04) expressed an interest in working with children, Professor Anderson arranged a placement with the County Attorney's Department of Social Services, where Macon worked on behalf of abused and neglected children. She comments, "It's very rewarding, working toward the goal of reunifying a family Sometimes there are happy endings, sometimes there are not. My role in court proceedings was to voice the County's concerns, the judges treated me as if I were a real attorney. I also worked with an attorney on child support enforcement. That's the 'court of excuses' and it's sad. It was an eyeopener to me that there are so many deadbeat parents out there

"When I first started law school, I thought I wanted to do transactional work; I thought I could never argue before a jury. I am glad I took the clinic because I conquered those fears in a nurturing environment, where there were people guiding me and supporting me. I think there's no better way to learn."

Will Reavis ('05) interned at the District Attorney's office in Winston-Salem last summer, where, he says, "I wrote briefs and did research and a lot of legwork. Courses such as Evidence stopped being abstractions and began to make a lot more sense to me."

"I came to law school wanting to be a trial lawyer. I had heard that clinic participants get to argue motions, and try cases. Since I had seen the back office functions of the DA's office, clinic seemed like a great opportunity to participate in the courtroom side of it. I've really enjoyed the courtroom, particularly the criminal side. That's probably where I want to go. The clinic definitely solidified my career direction."

in the field have grown along with the specialty itself, and clinic students have been the beneficiaries for the last thirteen years.

She says, "When we started our first semester, we had no desks, no clients. It was uncharted territory, and we were part of this very interesting experiment of putting a law office in a medical setting, as part of a multi-disciplinary center on aging. Initially, I wondered if it weren't trendy, if it would really add up to anything for the client. I am now convinced that it does. So many of the legal issues facing elderly peo-

ple involve health problems, particularly with regard to mental capacity, and questions about paying for long-term care."

The process of learning worked in many directions, according to Mewhinney. "I learned from the medical people what some of the issues were. They had questions for me about their

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liability for their patient care with regard to living alone or driving. The field has come a long way, and so have we. Now the Elder Law Section in the state Bar Association has over 400 lawyers and our national organization has over 4,000 members."

As Mewhinney describes some of the clinic content, "Some students enroll for the client contact experience rather than the law content. They learn to conduct an interview (even without knowing all of the pertinent law), ask the right questions, and keep a usable record of that conversation. I'm pretty strict about maintaining a good file. Then they focus on what documents they need, and what research. They prepare an engagement letter that specifies what they will do and whom they represent. The first cases I assign are the building block cases such as an advance medical directive, power of attorney, or a will. Students have to learn how to explain these legal issues in lay terms, and how to gather the information they need to draft the documents."

Further, she says, "When you are in school it's natural to listen and write. I tell students not to hold a pen or paper. In order to build rapport with the client, eye contact is essential. This also helps us be alert for signs of impairment. It's important to start with small talk and then move gener-

ally to the topic at hand, perhaps by saying, 'You called about a will. Why don't we talk about your family?' That kind of simple opening encourages the client to talk. Fifty percent of people 85 and older have some level of mental impairment. That means that when a client comes in, the lawyer must understand how to interview that client, and be familiar with the standard of capacity required to execute a will or sign a contract. We have a board-certified geriatrician or neurologist from the medical school faculty come in to talk to our students about how to interview clients. Students have an opportunity to observe the Memory Disorders Clinic so they can learn about the capacity screening tools that come up in guardianship cases, for example."

One key point that Mewhinney ensures students take away is, "They need to meet the eyes of the elderly person and extend



Greg Wall (04) talks to Dr. Catherine Buchanan after observing patients in the Geriatric Consultation Clinic.

their hand, turn to the accompanying person and say 'We'll be about an hour.' The initial interview, especially if the person is impaired, must be face-to-face to establish the client relationship. We can talk to the children later. We have the same duty of confidentiality that we have with any other client. It's up to the client to decide if we talk with relatives."

The Elder Law Clinic has multiple constituencies. Mewhinney says, "I think that we have been able to balance different roles, so that we function as a service provider, as a teaching institution, and as a resource for lawyers. The Elder Law Clinic teaches students skills that are truly needed by law firms, by the public, and by the community. Several law schools have requested our materials in order to start their own elder law clinics, so it's fair to say our program is seen as a model."

In addition to practical, legal and ethical issues, Mewhinney believes the human dimension of elder law practice is vital. She says, "I try to have each student work with at least one client in a nursing home. They need to understand what conditions are like there. Many students also learn new things about human

Mark Giacopelli ('04) advises a client about her will.

commitment, when they encounter caregiving circumstances. I hope the experience touches my students' hearts, and causes them to reflect on their own relationships."

The work of the Elder Law Clinic has unquestionably touched the lives and hearts of numerous clients. One client wrote to say, "... I felt more alone and paralyzed by a system that is nebulous and complicated to the extent that intelligence alone is not enough to manage the maze... They [the Elder Law Clinic staff] provide a comforting relief that is just as important as the knowledge and the direction that I hope to continue to receive. Even the literature in the lobby helps... Thank you for your obvious leadership in this most significant service." Another offered, "...the information needed to prepare these papers is beyond my scope of knowledge and I could not afford the services of a practicing attorney. [Your clinic student]... a very personable, friendly and knowledgeable young man...made me feel that my legal needs were very important to him. Without the Elder Law Clinic, I could never have afforded these legal papers that provide much reassurance."

There is nothing academic about such testimonials. Clinic students leave law school with invaluable practical experience that prepares them for the practice of law, as well as the confidence that comes from knowing they have functioned successfully as legal representatives for real people with real problems. As one clinic student said of her experience, "It stays with you."

THE ELDER LAW CLINIC ON THE WEB

THE WEB ADDRESS www.law.wfu.edu/eclinic is a lively corner of cyberspace; it's the online address of the WFU School of Law Elder Law Clinic. The Clinic serves several constituencies and, for many, the Web is the first stop. The site describes the purpose and activities of the Clinic, and supplies lists of resources such as books and newsletters, as well as links to domestic and international sources of information and help.

Someone who needs an elder law attorney in another city of state can find one through

links at the Elder Law Clinic's Web site A Frequently Asked Questions section answers prospective client queries on topics such as eligibility, and the kinds of cases the clinic handles. For lawyers, there are links to the Elder Law Section of the North Carolina Bar Association and the National Academy of Elder Law Attorneys (NAELA).

Professor Kate Mewhinney, Managing Attorney of the Elder Law Clinic, says, "The Web site is an efficient way for us to serve many people with common questions. As an entry point



for members of the community and practicing attorneys, it conserves our resources, because it allows visitors easy access to answers for routine matters."

ELDER LAW CLINIC STUDENT EXPERIENCES

FOR ANGELA CINSKI ('03), who is now a Legal Aid attorney in Morganton, North Carolina, much of the appeal of the Elder Law Clinic was public service. "It sounds corny, I know," she says, "but I wanted to help make a difference for people who needed assistance." And what a difference she and her colleagues made.

"It was the pinnacle of my law school career. Students in prior semesters had worked on a particular case for months, taking depositions and doing research. By the time I came along

the case was ready for trial. It involved a widow whose \$100,000 legacy had been stolen by an adult child. We alleged breach of fiduciary duty and abuse of power of attorney and our client was awarded \$100,000 in Superior Court. It was an all-day bench trial and we got a judgment that same night."

"It's easy to be isolated in law school, and to forget about the outside world. Clinic kept reminding me, 'It's not all about you."

Ryan Rhodenhiser ('04) says his clinic

experience exceeded his expectations, particularly in the degree of autonomy and one-on-one client interaction that he enjoyed. He says, "Once I got my feet wet, I functioned like a new

associate in a small firm." On the subject of learning to work directly with clients, he comments, "Clients are always more comfortable if there are fewer people in the room. That's human nature. Further, in a one-on-one meeting, they understand that you are the one representing them."

"This clinic is not only about this particular practice area. It also trains students about the practical aspects of practicing law. It eases the transition from law school into practice."

Greg Wall ('04) enrolled in the Elder Law Clinic for a chance to apply what he had learned in other law school courses. "I liked the idea of working with actual clients, in addition to learning and applying new legal concepts in a specialty field. Explaining legal concepts to people who have no legal knowledge is very different from talking about cases with students or professors. I learned that meetings with handicapped clients might require extra time. Some clients are hearing-impaired, and the clinic has equipment that facilitates their participation in meetings."



Above, Angela Cinski ('03) reviews court pleadings with client and relative. Left, Mitra Sanai ('01) discusses legal matters with an Elder Law Clinic client.

"IT'S EASY TO BE ISOLATED IN LAW SCHOOL, AND TO FORGET ABOUT THE OUTSIDE WORLD. CLINIC KEPT REMINDING ME, 'IT'S NOT ALL ABOUT YOU.'" He recalls, "I had one client who was living in a nursing home, who hadn't done any long-term care planning. She was very concerned that she wouldn't be able to leave any kind of inheritance to her children. We worked with her and her son to make it possible to leave a small inheritance to her

children, which added greatly to her peace of mind."

When Mitra Sanai ('01) enrolled in the Elder Law Clinic, she hardly expected it would lead her to become an associate at Wells Jenkins Lucas & Jenkins, devoting three-quarters of her time to elder law. She says, "It's a cutting-edge field and not many lawyers practice in this area. I was able to help develop a new practice area for this firm. Occasionally, partners have come to me with questions, rather then the other way around."

"Initially I wasn't really interested in elder law. I took the clinic for the opportunity to deal with real clients in real situations. I had always thought of older people as cranky, but the clients in the Elder Law Clinic were so appreciative of every little thing that was done for them, it was very fulfilling. Another surprise was the scope of the field. I thought it might be boring, but I learned that elder law touches lots of subject areas, including real estate, estate planning, consumer issues." Δ

RE-THINKING BROWN V. BOARD BY PROFESS WENDY PAR



WHAT THE PAST FIFTY YEARS HAS TAUGHT US



oday Everyone, from the most conservative Supreme Court nominee to the most ardent NAACP member, pledges allegiance to *Brown v. Board of Education I ("Brown I")*, in which the 1954 Supreme Court declared that "in the field of public education, the doctrine of 'separate but equal' has no place." The decision — once greeted with Massive

Resistance, the Southern Congressional Manifesto, and state interposition resolutions declaring the Supreme Court without the power to declare the unconstitutionality of *de jure* segregation — is now accepted as a bedrock American principle. Not surprisingly, the popular and academic presses have flowed with praises for *Brown* this year, as we have marked its 50th anniversary.

I, too, have accepted *Brown I* as an icon, one always deserving praise but also worthy of my time when I litigated school desegregation cases for the Lawyers' Committee for Civil Rights and the Department of Justice. But in my beginning days on the faculty at Wake Forest, I accepted a very interesting assignment from the North Carolina Bar Association, an assignment for which my colleagues Tim Davis and Suzanne Reynolds had recommended me. I was to represent the Board of Education in a re-argument against noted civil rights lawyer James E. Ferguson, III, who would represent the school children and their parents. The re-argument was part of a program sponsored by the North Carolina Bar Association to mark *Brown Is* anniversary.

THE TERMS OF THE RE-ENACTMENT

The rules of the re-argument were simple: we were confined to authorities available in December 1953 (the time *Brown I* was argued for a second time before the Supreme Court), but we could predict future authorities and we could discuss remedy, the subject of *Brown v. Board of Education II ("Brown II")*. Our judges included Wake Forest Professor Emeritus of Law, Rhonda Bryan Billings, formerly the Chief Justice of the North Carolina Supreme Court. Two other former Chief Justices of the North Carolina Supreme Court joined her, Henry E. Frye and James G. Exum, Jr., along with three judges of the United States Fourth Circuit Court of Appeals, Allyson Duncan, Roger L. Gregory, and Diana Gibbon Motz (the Chief Judge of the Fourth Circuit), and a judge of the United States District Court for the Northern District of Illinois, Ann Claire Williams.

The idea of re-arguing $Brown\ I$ may seem like a pointless exercise given the acceptance in mainstream America of $Brown\ I$ s prohibition of state-mandated racial segregation. Yet, the legal reasoning behind that rule and difficulty of implementing $Brown\ I$ complicate the picture. Legal academics have long criticized $Brown\ I$ for starting a judicial activism that placed the judiciary outside its limited authority and competen-

cy. Further, support for the aftermath of *Brown I* has been much more illusive than support for *Brown Is* constitutional belief that the state should not separate children based on their race. The initial implementation of *Brown I* was bloody and slow. The integration of schools in much of the South occurred only after the Johnson Administration and Congress enacted Title VI of the Civil Rights Act of 1964, which required that schools accepting federal funds not discriminate on the basis of race, and the

1868 THE 14TH AMENDMENT

THREE YEARS AFTER SLAVERY is abolished, the 14th Amendment to the United States Constitution is ratified. The amendment grants citizenship to "all persons born or naturalized in the United States," including former slaves. Known as the "Reconstruction Amendment," it forbids any state to deny any person within its jurisdiction the equal protection of its laws.

Elementary and Secondary Education Act of 1965, which offered Southern schools significant federal funding if they desegregated. These two acts are largely credited in jump starting the stalled desegregation process in much of the South. The judiciary's efficacy in integrating schools continues to be questioned today, as some schools were never truly integrated and others are re-segregating, even to levels of segregation existing in 1954.

Given all this, knowing what we know today, was *Brown I* rightly decided? To answer that question on behalf of the school board, I faced three basic issues. First, would it have been better for the plaintiffs if the Court had affirmed *Plessy's* command of separate but equal and for the first time required equality in school resources? A prominent legal



academic. Derrick Bell, has argued that an enforcement of *Plessy's* promise of equality would have served the African American and Latino community better than the Court's failed attempt to offer equality through desegregation. Second, would it have been better for the Court to have left the issue of desegregation to the federal legislative and executive branches and state governments? Many have argued that while *Brown I* reached the right result, the issue should have been addressed by other venues better equipped to solve the problem of state-mandated racially segregated schools. Third, did the Court stray too far from its insti-

tiffs was whether education should be declared a fundamental right. This matter arose in the aftermath of *Brown I* as school children attempted to require equality in funding among local school districts. Finally, should the Court overrule *Plessy v. Ferguson?* That 1896 case concerned separate railroad cars, but its command of separate but equal had carried over into all facets of Southern life. The Supreme Court in *Brown I* had not overruled *Plessy*; the Court waited until 1970 to overrule explicitly *Plessy*, in the opinion in *Oregon v. Mitchell*.



1875 CIVIL RIGHTS ACT OF 1875

CONGRESS PASSES the Civil Rights Act of 1875, prohibiting racial discrimination in public spaces. However, in state after state in the South, the political machinery institutes rules that continue to segregate the races and prevent equal participation in the political process. The Civil Rights Act

is rarely enforced and is overtuned by a Supreme Court ruling in 1883.

tutional mission and competency? In reaching the result in *Brown I*, the Court ignored the intention of the framers and ratifiers of the Fourteenth Amendment who clearly never contemplated that the amendment would prohibit the states from segregating public school children on the basis of race. In doing so the Court involved itself in complicated educational, political, psychological, and sociological issues.

The questions presented to Mr. Ferguson in representing the school children were equally challenging. Should the plaintiffs seek imme-

diate desegregation of the schools, or desegregation "with all deliberate speed"? One of the central debates surrounding the 1955 decision in *Brown II* is the allowance that the remedy need not occur immediately, as had always been the case for plaintiffs, but instead under the ambiguous time line of "with all deliberate speed." Many have blamed these four words as signaling to those resisting *Brown I* that their efforts, at least for some unde-

fined time, would be successful. Another critical issue for Mr. Ferguson was whether the remedy should require actual integration of school children, or only mandate that state-mandated segregation based on color be outlawed. The Supreme Court in both *Brown I* and *Brown II* had left open the question of whether actual integration of children would be required, or whether a race-neutral plan with segregative results would suffice to remedy *de jure* segregation. Another question for the plain-

THE RE-ARGUMENTS

With the help of my colleagues Mike Curtis and Wilson Parker, I put together an argument that the original intent of Congress and the states in ratifying the Fourteenth Amendment compelled the Court to uphold *Plessy's* command of separate but equal. Spectators of the Congressional debates over the passage of the Fourteenth Amendment watched from segregated galleries. Public education was still in its infancy, but public schools both before and after the Fourteenth Amendment were segregated throughout the country. Integration was beyond the realm of possibility. Instead, the Amendment was generally understood as affording equal rights to civil rights such as the right to make contracts, own property, sue, and be sued.

Those adopting an original intent approach to constitutional interpretation have long struggled with how to justify the outcome of *Brown I*. Attempts to justify *Brown I* on originalist grounds have proven woefully inadequate. From a legal standpoint, this was my strongest argument, particularly when coupled with sixty years of Supreme Court precedent accepting the legality of separate but equal education.

My argument began with original intent, but the main point of my argument was different and more controversial. Much of my time was

spent contending that desegregation is a messy business and arguably one beyond the competency of the federal judiciary. Here I borrowed heavily upon the teachings of Professor Bell and upon conversations I had with my colleague Luellen Curry. Many schools voluntarily desegregated, and did so by the early 1960s.

This was particularly true in border and Northern states and parts of Tennessee and Texas. At the opposite extreme was Prince Edward County, Virginia, where the school authorities

extreme was Prince Edward County, Virginia, where the school authorities decided to close the public schools rather than integrate them. Public dollars instead went to all-white private academies, leaving African-American school children with very few education options. Most Southern school districts fell somewhere in the middle and allowed token integration for

a few selected African-American students. As a result, ten years after Brown

I, only 2.3% of Southern African-Americans attended desegregated

schools, while that figure was 55% for African-Americans in the border



1896 PLESSY V. FERGUSON

FOR DECADES, Southern states enforce a policy of sep-

arate public accomodations for the races on buses and

trains, and in hotels, theatres, and schools. On May 18, 1896, the Supreme Court rules in Plessy v. Fergusson that such "separate but equal" facilities are indeed constitutional. The ruling gives legal sanction to the decades of racial segregation that follow. Supreme Court Justice John Marsh

of racial segregation that follow. Supreme Court Justice John Marshall Harlan had argued that segregation in public facilities marks one race as inferior to another.



1954 Brown V. Board of Education



IN DECEMBER 1952, the Supreme Court has on its docket cases from Kansas, Delaware, the District of Columbia, South Carolina, and Virginia, all of them challenging the constitionality of racial segregation in public schools. The court consolidates the five cases under one name, Oliver Brown et al. v. the Board of Education of Topeka. In

1954, the court rules in the case that segregated schools are "inherently unequal."

states. Desegregation eventually came to the South — in the 1980s the South was the most desegregated region of the country — but it came late and arguably because of non-judicial forces.

Yet, schools today are increasingly segregated. In the 1990s, the Supreme Court allowed an end to desegregation orders when any continuing segregation or expected re-segregation was deemed due to factors beyond the school district's control. Consequently, Southern African-American students were more likely to attend majority white schools in 1970 than they are today. On a national level, the average white student attends a school that is 79% white; the average African-American student attends a school that is 30% white; the average Asian student attends a school that is 45% white; and the average Latino student attends a school that is 28% white. The re-segregation of schools begs the question of whether the judicial effort to integrate schools was foolish and whether efforts to equalize schools would have been more successful.

Based on my experiences, I believe a very strong argument could be made for the later. Yes, equalizing schools would involve the judiciary in the minutiae of school administration. Checking text book lists to ensure equality, for example, puts the federal judge in the school superintendent's office. But judicial intrusiveness was the name of the game, unless the Court in *Brown I* had instead upheld the status quo of inequality in *de jure* schools.

Desegregation also required moving the judge's office into the school building, but with only limited success. Integrating schools was an impossible task for the judiciary. To do so would entail closing all avenues of white flight — starting with suburban school districts, but also extending to all private and parochial schools and even home schooling. Without taking these steps (and prohibiting parochial schools would entail a new meaning of the First Amendment), the effort to integrate schools would necessarily fail. An effort to equalize would, however, be more manageable than forcing integration and confronting the reality of white flight and long bus rides, which predominately fell on African-American and Latino families. Equalization is a more manageable task because of the control school districts have over equalization factors and the ability of the judiciary to monitor the progress.

Moreover, desegregation came at a high price to the minority community. Desegregation often meant the closing of minority schools that were the center and pride of the community, no matter how inferior their facilities and the laying off of respected minority teachers and administrators. In return, African-American and Latino communities faced white flight and often unequal treatment within schools.

Yet, in the end, Mr. Ferguson had the better legal argument. Dean Bob Walsh told me in advance that I would lose, and he was right. Mr. Ferguson rightly pointed out that state-imposed racial segregation could simply not be squared with our evolving notion of equality. While straying from the original intent of those ratifying the Fourteenth Amendment places the judiciary in the land of policy, how we interpret the constitution cannot be static. More critically, state-imposed racial segregation sends a message that is counter to our fundamental ideals of treating all persons the same. For the state to treat its citizens differently because of the color of their skin conflicted with other American ideals of equality.

Mr. Ferguson confined his argument to the central premise that the language of "equal protection of the laws" must necessarily outlaw separating school children based on their race. He contended that even if the systems were equal, the separation itself would entail unequal treatment. By keeping his eyes on this prize, he kept the argument focused on the obvious inequality of state separation. He avoided the more difficult and troublesome questions of fashioning the remedy and of education as a fundamental right. In doing so, he presented a legally novel idea for 1953, but a legal principle which time had clearly come.

1964 THE CIVIL RIGHTS ACT OF 1964

PRESIDENT LYNDON B. JOHNSON signs the Civil Rights Act of 1964. The law outlaws discrimination and segregation in public places such as theatres, restaurants, and hotels. It also requires employers to provide equal employment opportunities regardless of race. In addition, the law outlines that projects involving federal funds are subject to being cut off if there is evidence of discrimination based on color, race, or national origin.



Source: www.voicesofcivilrights.org

A common statement on the 50th anniversary of $Brown\ I$ was that the opinion is an unfulfilled promise, that the quest for equality continues. Today we celebrate $Brown\ I$ even as we refuse to take the steps necessary to actualize its goal of equal education. Maybe pledging allegiance to $Brown\ I$ satisfies our consciousness, and we can blame its unfulfilled promise on factors beyond our control. Yet, we cannot blame $Brown\ I$ for its own inadequacy. The blame lies elsewhere, not with $Brown\ I$. The opinion broke new legal ground and sent a needed victory to the civil rights movement. For that, I am thankful. \Box

ALUMNI NOTES

1949

E. MURRAY TATE JR. (JD '49) and Shirley Herman Anthony (JD '88) have formed a new law practice, Anthony & Tate LLP, in Hickory, NC.

1952

RUSS TWIFORD (JD '52), of Elizabeth City, has been inducted into the North Carolina Bar Association's General Practice Hall of Fame. The induction ceremony took place at the Bar Association's annual convention at the Grove Park Inn in Asheville.

1959

S. J. WEBSTER JR. (JD '59) is chairman of the board of trustees of Rockingham Community College in Wentworth, NC.

1960

1. BEVERLY LAKE JR. ('55, JD '60) attended events announcing the establishment of the I. Beverly Lake Sr. Justice Fund and Public Service Award by the North Carolina Bar Association Foundation. His father, a former justice of the NC Supreme Court and longtime law professor at the Wake Forest School of Law, died in 1996.

1963

FRED G. MORRISON JR. (JD '63) received a certificate of appreciation for his service as chair at the annual meeting of the North Carolina Bar Association Administrative Law Section.

1964

THOMAS P. MCNAMARA (JD '64) has been reappointed to a four-year term as federal public defender for the Eastern District of North Carolina.

1966

RHODA BILLINGS (JD '66), Emeritus Professor and former Chief Justice of the NC Supreme Court, has been named co-chair of the National Committee on the Right to Counsel. The new committee, formed by the Georgetown University Public Policy Institute's Constitution Project and the National Legal Aid & Defender Association, will address the issue of providing legal representation in criminal cases for defendants who cannot afford lawyers. The committee will be chaired by former Vice President Walter Mondale.

1967



JOSEPH G. MADDREY ('64, JD '67) and his wife, Elizabeth, had the honor of presenting the highest award for service and contribution (the Paul Harris Rotary Foundation Award) at the Southern Guilford New Generation Rotary Club of Greensboro, NC, to their daughter, CLAIRE W. MADDREY ('97, MAEd '99).

JOHN C. MARTIN ('65, JD '67) is Chief Judge of the North Carolina Court of Appeals. Martin has served on the Court of Appeals for more than fourteen years and became Chief Judge effective February 1, 2004. Prior to his service on the Court of Appeals, Martin was in private practice in Durham for more than twelve years, during which time

Alumni Notes

he served on the Durham City Council, and was Resident Superior Court Judge for the Fourteenth Judicial District for seven years. He has been a member of the Law School's Board of Visitors since 1986 and has served two terms as a member of the Wake Forest University Alumni Council.

1969

R. BRADFORD LEGGETT JR. ('66, JD '69) practices bankruptcy law with Allman Spry Leggett & Crumpler in Winston-Salem. He has been selected as one of Business North Carolina's "Legal Elite."

1970

MICHAEL J. LEWIS ('67, JD '70) and DAVID D.
DAGGETT (JD '85), of Lewis & Daggett PA in Winston-Salem, are founders and sponsors of "Safe Sober Prom Night," now in its 14th year.

1971

JAY DEVANEY ('69, JD '71) is in real estate law with Nexsen Pruet Adams Kleemeier PLLC in Greensboro, NC. He is one of Business North Carolina's "Legal Elite."

WALTER W. PITT JR. (JD '71) is in bankruptcy law with Bell Davis & Pitt in Winston-Salem. He is one of Business North Carolina's "Legal Elite."

DONALD M. VONCANNON ('67, JD '71) practices real estate law with Allman Spry Leggett & Crumpler in Winston-Salem. He has been selected as one of Business North Carolina's "Legal Elite."

1972

JERRY CASH MARTIN ('70, JD '72) is enjoying retirement and occasionally serving as an emergency superior court judge in North Carolina. He rode his bicycle solo from Alaska to Mt. Airy, NC, completing 3,700 miles in 38 days. He and his wife, Carolyn, have toured Canada, New Orleans and Texas on their motorcyle and have been blessed with their second grandchild, Olivia Marie, daughter of Mark and Caroline Martin (JD '98) Bokesch.

CHARLES E. MCCARTNEY JR. ('69, JD '72) is a major general in the U.S. Army Reserve and is in command of the 108th Division (institutional training), headquartered in Charlotte, NC.

1973

ALFRED G. ADAMS ('68, JD '73), with Womble Carlyle Sandridge & Rice in Winston-Salem, was recognized as a top real estate attorney by Business North Carolina on its list of "Legal Elite."

R. LEE FARMER (JD '73) is president of the North Carolina Association of Municipal Attorneys.

1974

W. EDWARD POE JR. ('71, JD '74) has been elected to a three-year term on the board of directors of Parker Poe Adams & Bernstein LLP in Charlotte, NC.

1977

JAMES K. DORSETT III (JD '77) is a commercial litigation partner with Smith Anderson Blount Dorsett Mitchell & Jernigan LLP in Raleigh, NC. He was elected to the honorary organization of the Fellows of the American Bar Foundation.

1978

PAMELA PEACOCK GRIFFIN (JD '78) is an executive director of the law division, with a global emphasis in the commercial real estate investment advisory business, of Morgan Stanley Inc. in Atlanta.

MARK S. THOMAS ('75, JD '78), with Maupin Taylor PA in Raleigh, NC, is chair of the Labor and Employment Law Section of the North Carolina Bar Association. He is the lay leader at Edenton Street United Methodist Church.

1980

BOB CRUMLEY (JD '80) is president and chief executive of Crumley & Associates PC in Asheboro, NC. He has been named to the North Carolina Aviation Museum Board of Directors.



2.3

Bob Crumley



Terri L. Gardner

TERRI L. GARDNER ('78, ID '81), with Poyner & Spruill LLP in Raleigh, NC, is among Business North Carolina's "Legal Elite."

SUSANNA K. GIBBONS ('78, JD '81), with Poyner & Spruill LLP in Raleigh, NC, is one of Business North Carolina's "Legal Elite."



CHRIS SWECKER Susanna K. Gibbons (JD '81) was recently promoted to Deputy Assistant Director at the FBI and has relocated to Washington, D.C.



BILL KOPF (JD '81) and his wife, Ingrid, hosted a gathering of Wake Forest friends for a long weekend in Crested Butte, CO. Those attending were MARTIN (JD '81) and KENNEDY GARCIA, DAVID (ID '81) and BETTIE (JD '81) SOUSA AND DON ('77, JD '81) and Barb Woodsmall.

1982

D. ANDERSON CARMEN (ID '82) is in construction law with Bell Davis & Pitt in Winston-Salem. He is one of Business

> North Carolina's "Legal Elite."

SUSAN N. DEATHERAGE (ID '82) is Chief Judge in the Juvenile and Domestic Relations District Court for the 21st District of Virginia, presiding in Henry County.

CHRISTY MYATT ('79, ID '82) is in bankruptcy law with Nexsen Pruet Adams Kleemeier PLLC in Greensboro, NC. She is one of Business North Carolina's "Legal Elite."

1984

DAVID M. WARREN ('81, JD '84) has been recertified by the American Board of Certification in business and consumer bankruptcy law. He is with Poyner & Spruill LLP in Rocky Mount, NC.

CYNTHIA CLODFELTER HUMPHRIES ('81, JD'84) is teaching humanities at Ross Middle School in El Paso. TX. Her husband, ROBERT "BOB" HUMPHRIES ('81, JD '89), is assistant chief counsel for U.S. Customs and Border Protection with the Department of Homeland Security. They live in El Paso.

1985

C. DAN BARRETT ('81, JD '85), a partner with Edwards Ballard Clark Barrett & Carlson in Winston-Salem and chairman of the Davie County Hospital board of trustees, received a hospital trustee award from the North Carolina Hospital Association. He and his wife, KATHLEEN ANDERSON BARRETT (JD '91), and their two children, Daniel and Rebekah, live in Advance, NC.

ROBERT M. BARRETT (JD '85) is a shareholder in the law firm of Holcombe Bomar Gunn & Bradford PA in Spartanburg, SC.

DAVID D. DAGGETT (ID '85) and MICHAEL J. LEWIS ('67, JD '70), of Lewis & Daggett PA in Winston-Salem, are founders and sponsors of "Safe Sober Prom Night," now in its 14th year.

> HAYDEN HARRELL ('82, ID '85) is in real estate law with Nexsen Pruet Adams Kleemeier PLLC in Charlotte, NC. He is one of Business North Carolina's



VIRGINIA JOHNSON (JD '85) is a candidate for the U.S. House of Representatives for the 13th Congressional District of North Carolina. She is counsel to the Chairman of the House Ethics Committee and counsel to the House Armed Services Committee in Washington, DC. Her campaign site is www.VirginiaJohnsonForCongress .com.

JOHN W. BABCOCK (JD '86) is in business law with Bell Davis & Pitt in Winston-Salem. He is one of Business North Carolina's "Legal Elite."

JOAL HALL BROUN ('83, JD '86) is serving a second term on the Carrboro Board of Aldermen. She is with the Center for Self-Help in Durham, NC.

WILLIAM J. CONNOLLY (JD '86) is general counsel and secretary of Alfa Laval Inc. in Richmond, VA.

J. NICHOLAS ELLIS (JD '86) has been appointed to an advisory

committee on permissible political conduct by judges and candidates for judicial office. He is a partner with Poyner & Spruill LLP in



J. Nicholas Ellis

Rocky Mount, NC.

RICHARD MOORE ('82, JD '86) is the North Carolina State Treasurer. He serves on many boards and commissions in North Carolina and is on the executive board of the New York Stock Exchange. He co-authored a book, Faces From the Flood: Hurricane Floyd Remembered (UNC Press, 2004), which highlights stories of citizens who became heroes in 1999.

1987

LISA M. ZAINA (JD '87) is chief executive officer of the Universal Service Administrative Company in Washington, DC.

1988

SHIRLEY HERMAN ANTHONY (JD '88) and E. MURRAY TATE JR. (JD '49) have formed a new law practice, Anthony & Tate LLP, in Hickory, NC.

1989

BERT ANDIA (JD '89) is practicing business and intellectual

property litigation with Hunter Higgins Miles Elam & Benjamin PLLC. He and his wife, Suzanne, and two children.



Bert Andia

Gregory and Elena, live in Greensboro, NC.

ROBERT "BOB"
HUMPHRIES ('81, JD '89)
is assistant chief counsel for U.S.
Customs and Border Protection
with the Department of
Homeland Security. His wife,
CYNTHIA CLODFELTER
HUMPHRIES ('81, JD '84),
is teaching humanities at Ross
Middle School. They live in El
Paso, TX.

CHRISTIN JARVIS REISCHE (JD '89) is a senior corporate counsel with Lowe's Companies Inc. in Mooresville, NC.

1990

ROBERT S. BLAIR JR. (JD '90) is a partner with Horack Talley Pharr & Lowndes, specializing in family law, in Charlotte, NC.



Robert S. Blair

1991

CHARLES W. CREWS JR. (JD '91) is a financial consultant with Smith Barney Inc. in Greenville, SC, and a member of its Blue Chip Council.

ERIC ROGERS (JD '91) is a full partner in the law firm of Caudle & Spears in Charlotte, NC.

1993

KEITH D. BURNS (JD '93) is one of five lawyers selected to serve as Fellows of the Business Law Section of the American Bar Association. During the fellowship they will work on issues related to small businesses.



Keith D. Burns



Harold D. Holmes Ir.

HAROLD D. "CHIP" HOLMES JR. (JD '93) is with the torts and insurance group of Parker Poe Adams & Bernstein LLP in Charlotte, NC.

Darren S. Cranfill

DARREN S. CRANFILL (JD '94) is in residential real estate with Blanco Tackabery Combs & Matamoros PA in Clemmons, NC.

WILLIAM R. DERASMO (JD '94) is a partner in the energy practice group of Troutman Sanders LLP in Washington, DC.

CATE S. HOSKINS (JD '94) is in real estate transactions with O'Kelley & Sorohan LLC in Alpharetta, GA. She and her husband, Carter, have a daughter, Allison (7).

KIMBERLY STOGNER ('86, JD '94), with Vaughn Perkinson Ehlinger Moxley & Stogner, is on the Winston-Salem board of directors for First Citizens Bank.

1995

THOMAS R. CAMPBELL ('92, JD '95) specializes in wills, estate planning and plaintiff's personal injury with Campbell & White PC in Gettysburg, PA. He and his wife, Tamara ('94), have a son, Collin (2).

ERICA BERGMAN
LEWIS (JD '95) is a partner with Hedrick Eatman
Gardner & Kincheloe LLP.
Her husband, J. SCOTT
LEWIS (JD '95), is a partner with Patterson Dilthey Clay
Bryson & Anderson LLP. They live in Wilmington, NC.

1996

JOHN B. ANDERSON ('93, JD '96) is with the employment group of Parker Poe Adams & Bernstein LLP in Charlotte, NC.



John B. Anderson

W. ROSS FORBES JR. (JD '96) is a partner in the litigation section of Jackson Walker LLP in Dallas, TX.

NANCY GREEN (JD '96) is in real estate refinance in Charlotte, NC.

JEFFREY D. MILLER (JD/MBA '96) is a partner with Alston & Bird LLP in Raleigh, NC.

1998

DEBORAH SHEEDY HALVORSEN (JD '98) is certified in family law and a shareholder with Davis & Harwell PA in Winston-Salem.



Mitchell Kelling

MITCHELL KELLING (JD '98) is a certified family law specialist with Horak Talley Pharr & Lowndes in Charlotte, NC.

STEVEN K. MCCALLISTER (JD

'98) is part of the pharmaceutical litigation team of Martin & Jones in Raleigh, NC.

JENNIFER MCDOUGAL MILLER (JD '98) is with Wyrick Robbins Yates & Ponton in Raleigh, NC.

1999

JILL MAHONCHAK ANDERSEN (JD '99) is an assistant U.S. attorney for the District of New Jersey in Newark.

PAUL ANDERSEN (JD '99) is an associate, concentrating on transactional law, at Schwartz Simon Edelstein Celso & Kessler in Florham Park, NJ.

JASON D. NEWTON (JD '99) practices medical malpractice defense and selective plaintiff litigation with Yates McLamb & Weyher LLP in Raleigh, NC.

2000

CHRISTOPHER M.
TREBILCOCK (JD '00), an associate with Miller Canfield Paddock

& Stone PLC in Detroit, MI, received a political leadership fellowship from Michigan State University's Michigan Political Leadership Program.



Christopher M. Trebilcoo

2001

KIMBERLY F. ARMFIELD DEDMON (JD '01) is practicing law in Nashville, TN. She married Kenny Dedmon in 2001 and they had a child, Isabelle, last April.

KATHLEEN QUINN DUBOIS (JD '02) is in worker's compensation with Crumley & Associates PC in Winston-Salem.

ED ERGENZINGER ('94, PhD '99, JD '02) is an attorney in the biotechnology and pharmaceutical patent group of Alston & Bird LLP in Raleigh, NC.



2003

JENNIFER K. THILL (JD '03) is both an emergency room physician and an attorney in the Health Care Practice at Smith

Moore LLP in Greensboro, NC.

2004

TYRONIA M. MORRISON (JD '04) lives in College Park, GA, and is with Parker Hudson Rainer & Dobbs LLP in Atlanta.

MARRIAGES

EDWIN C. HAM (JD '86) and Virginia Lee Mills. 11/22/02

ANN BRITTIAN MCCLELLAN (JD '96) and James F. "Jay" Green. 9/27/03 in Belmont, NC.

MATTHEW STEPHEN CHENEY (JD '97) and AMELIA LEIGH WASHBURN ('89, MAEd '94). 4/3/04 in Wilmington, NC. They live in Charlotte. JILL SUSANNE
MAHONCHAK (JD '99) and
PAUL AARON ANDERSEN
(JD '99). 4/17/04 in Morristown,
NJ. The wedding party included
DREW HLABSE (JD '99).
Attendees included JOE
COPELAND (JD '99), GARY
EDWARDS ('96, JD '99), JOE
FINARELLI (JD '99), TINA
LLOYD HLABSE (JD '99),
ANDREW LAMPROS (JD
'99) and KELLY ANDRES
REYNOLDS (JD '99).

KRISTEN E. SCOTT (JD '01) and Jason L. Nardone. 5/8/04 in Winston-Salem. The wedding party included REBECCA A. CODD (JD '01).

CRYSTAL ANN BOWMAN (JD '03) and Jeffrey Brian Crews. 9/6/03 in Ocean Isle Beach, NC. They live in Summerfield, NC.

BIRTHS/ ADOPTIONS

JOHN D. MADDEN (JD '83) and Robyn Madden, Raleigh, NC: a daughter, Nicole Catherine. 2/23/04

MARK R. TOWNSEND ('82, JD '85) and Carol Townsend, Greensboro, NC: a daughter, Victoria Caroline. 8/30/02. She joins her brothers and sisters, Mark Jr., Diana Elizabeth and John Hunter.

EDWIN C. HAM (JD '86) and Virginia Mills Ham, Charlotte, NC: a son, Edwin Cutler Jr. 8/20/03

ELIZABETH "BETH" WELLER (JD '88) and Bill Parkinson, Dallas, TX: a son, William Kyle MingXiao. He was born 7/1/00 in China and joined them 10/15/03. He joins his sisters, Sarah (9) and Erin (6).

ROBERT C. BRODERICK JR. (JD '90) and Julie N. Broderick, Winchester, MA: a daughter, Fiona Siobhan. 3/29/04

HOLLY GUEST JONES (JD '93) and Norman Andrew Jones, Suwanee, GA: a son, Matthew Tyler. 3/30/04. He joins his brother, Robert Andrew "Drew."

EDWIN G. WILSON JR. (JD '93) and LAURIE TURNAGE WILSON ('93, MAEd '94), Eden, NC: a son, Edwin Graves III "Buddy." 2/23/04

DANIEL G. CAHILL (JD '94) and Sallie Thorpe, Raleigh, NC: twin sons, Daniel Reed and George Thorpe. 11/3/03. They join their sister, Kathryn (3).

RICK A. FLEMING (JD '94) and Michelle Fleming, Topeka, KS: a son, Eric Alexander. 8/14/03. He joins his five sisters.

JENNA FRUECHTENICHT BUTLER ('92, JD '95) and Algernon Lee Butler III, Wilmington, NC: a daughter, Sara Frances. 1/29/04

ERICA BERGMAN LEWIS (JD '95) and J. SCOTT LEWIS (JD '95), Wilmington, NC: a daughter, Emma Grace. 10/14/03

28 Alumni Notes

ERIC P. ORBOCK (JD/MBA '95) and JESSICA KAHN ORBOCK (JD '97), Athens, GA: a daughter, Eva Catherine. 9/02/03

JOHN D. THALHIMER (JD '95) and Ellen P. Thalhimer, Marietta, GA: a son, Jacob Owen. 12/12/03

STEFFAN HAMBRIGHT KELLY (JD '96) and CHRISTOPHER M. KELLY (JD '97), Easley, SC: a daughter, Elizabeth Dowling. 5/11/03. She joins her brother, John "Jack" Holden (3).

JEFFREY D. MILLER (JD/MBA '96) and JENNIFER MCDOUGAL MILLER (JD '98), Holly Springs, NC: a son, Andrew Boyd. 11/12/03

ROBERT J. CRUMPTON (JD '97) and Kina Gilley Crumpton, Wilkesboro, NC: a daughter, Hallie Zara. 7/6/03. She joins her sister, Rachel.

SARAH EVANS EILER (JD '97) and Derek Eiler, Atlanta, GA: a son, Ryan Joseph. 7/5/03

TRICIA WHITE SISTRUNK (JD '97) and GEORGE W. SISTRUNK III (JD '98), Charlotte, NC: a son, George Garrett. 9/3/03

DEBORAH SHEEDY HALVORSEN (JD '98) and Arne Peter Halvorsen, Kernersville, NC: a son, Aiden Peter, 5/13/03 MICHAEL KAUFFMAN ('96, JD '99) and Deanna Kauffman, Fairview Heights, IL: a daughter, Madeline Jennifer. 11/29/03

RICHARD BROOKS CASEY (JD '00) and Jennifer Casey, New Smyrna Beach, FL: a son, Jackson Fisher. 10/21/03. He joins his sister, Hannah (4), and brother, Drew (2).

JAMES E. LONG (JD '00) and Kim Long, Mahomet, IL: a son, Ryan Jerald. 9/2/03

BETH MABE GIANOPULOS (JD '01) and Michael Byron Gianopulos, Kernersville, NC: a son, Jacob Alexander. 8/26/03

ED R. ERGENZINGER JR. ('94, PhD '99, JD '02) and MEG TATE ERGENZINGER ('96), Raleigh, NC: a daughter, Kathryn "Kate" Tate. 2/9/04. She joins her sister, Elizabeth "Ellie" Hayes (2).

DEATHS

HAZEL MULL COLE (JD '30), June 4, 2004. She was one of the earliest women to graduate from Wake Forest University School of Law and the 67th woman to be licensed to practice law in North Carolina.

LARRY S. MOORE (JD '38), Nov. 28, 2003. He was an attorney in Wilkes county for 53 years. He is survived by his wife of 64 years, Dorothy, two daughters, a son, six grandchildren, and seven greatgrandchildren. GRAHAM STUART DEVANE ('38, JD '40), Jan. 19, 2004. He served in the U.S. Marine Corps during World War II. He was a CPA and practiced tax and estate law in Morganton, NC. He is survived by his son and daughterin-law and two grandsons.

J. RUSSELL NIPPER ('42, JD '47), May 6, 2004. He served in General Patton's Third Army during World War II and was clerk of the Wake County Superior Court for 33 years. He is survived by his wife, two daughters, five grand-children and one great-grandchild.

STUART ALBERT CURTIS ('49, JD '51), March 8, 2004. He served in the U.S. Army during World War II and practiced law in Ahoskie, NC, until his retirement. He is survived by his wife, Ethel.

RUSSELL J. LANIER SR. ('49, JD '51), April 18, 2004. While practicing law, he was elected Mayor of Beulaville, NC, for two terms. He has been solicitor of Duplin County Court, judge of the Duplin Court, district court judge for the Fourth Judicial District and when he retired in 1977, he was judge of the Superior Court. He is survived by his wife of 62 years, Sybil, two sons, seven grandchildren, and four great-grandchildren.

EVERETT LAWRENCE HENRY ('51, JD '54), Feb. 2, 2004. He was an attorney in Lumberton, NC, for more than 40 years before retiring in 1997 and becoming a certified mediator. He was a former president of the School of Law alumni association and a long-time trustee of Meredith College. He is survived by his wife, Sara, and three daughters, including Elizabeth Henry Sides ('93).

THOMAS E. STRICKLAND (JD '55), Nov. 26, 2003. He was a lawyer and a five-term North Carolina legislator. He is survived by his wife, Shirley, a son and a daughter.

CLARENCE MILLARD KIRK ('53, JD '57), March 20, 2004. He was an attorney in Wake County, NC, for nearly 50 years and a past member of the Law Alumni Council. He is survived by his wife, Imogene, a daughter, Melanie Kirk Holton ('91, JD '96), and two sons.

CARROLL FRANKLIN GARDNER ('58, JD '60), Jan. 5, 2004. He was a well-known criminal-defense lawyer and political figure for 40 years. He was a long-time chairman of the Democratic Party for the 5th Congressional District and ran in the party primary for a U.S. House seat in 1994. He is survived by his wife, Barbara, and sons David ('84) and Matthew.

WILLIAM D. PARRISH SR.

('59, JD '64), March 12, 2004. He was an attorney in general practice in Winston-Salem. He is survived by his wife, Anne Watkins Parrish ('60), four sons, and three grandchildren.

GEORGE THOMAS FULLER (JD '76), Feb. 23, 2004. He was a District Court judge based in Lexington, NC, for 20 years and a certified Juvenile Court judge. He later served as a Superior Court mediator. He was active in Democratic Party politics and served on the board of directors of numerous community organizations. He is survived by his wife, Elizabeth, and two daughters.

THOMAS PATY STAMPS (JD '79), Dec. 24, 2003. He practiced law since 1979 in Atlanta, served on the panel of trustees in the U.S. Bankruptcy Court for the Northern District of Georgia from 1982-92, served on the board of trustees for the Georgia Legal History Foundation, and was associate editor of The Journal of Southern Legal History. He is survived by his wife, Diana, three daughters and two sons.

CAPITAL CAMPAIGN UPDATE

As of June 30, 2004, the Law School had secured \$15,747,000 in gifts and pledges towards its campaign goal of \$40 million. If we are successful in reaching this goal, \$30 million will be used to provide additional scholarships for worthy students. The campaign will continue through 2006. For more information, contact Bob Walsh, Dean of the Law School, at (336) 758-5770 or walshrk@law.wfu.edu.



Worrell Professional Center PO Box 7206 Reynolda Station Winston-Salem, NC 27109-7206 Phone: 336-758-5721 Fax: 336-758-3709 30 Alumni Profile

Mona Lisa Wallace (JD '79)

Putting People First



"I knew from the time I was eight that I wanted to be a trial lawyer. My motivation was to even the playing field, because even then I could see that people were often not treated equitably."

ONA LISA WALLACE has come a long way from her roots in small-town North Carolina, in and near Salisbury. Her reputation as a litigator of toxic torts and other plaintiffs' cases now stretches to Texas and California. She has broken bread with legendary attorney Laurence Tribe prior to one of his appearances before the United States Supreme Court.

On the other hand, she lives within six miles of her childhood home, and the perspective she acquired from her family's working-class circumstances has never left her. As she explains, "I knew from the time I was eight that I wanted to be a trial lawyer. My motivation was to even the playing field, because even then I could see that people were often not treated equitably. It's a simple idea, but it remains powerful for me."

That simple idea took its first legal form when, shortly after graduation, Wallace joined a Salisbury law firm to handle domestic law. She was fortunate to find as her first employer a mentor who shared her principles: "Graham Carlton was a lay Baptist minister, and he allowed me to work with people who needed help, even if they couldn't pay. He trusted me and allowed me to make judgments about taking cases based on doing what was right, rather than out of concern for money. During that time, I represented a lot of abused women and children, as well as affluent doctors' wives."

She recalls, "There weren't a lot of women attorneys then. Opposing counsel were almost always men, and so were the judges. One judge told me to type up an order after he had ruled, and I said I didn't know how to type. It wouldn't be wrong to say I was feisty in those days, but I have mellowed since then."

The next phase of Wallace's career as an advocate on behalf of the disenfranchised began when a gentleman appeared in her office one day to inquire whether his breathing problems and respiratory disease might be attributable to his having been employed for many years at Fiber Industries. Wallace took on the case and pursued it with thoroughness, determination and creativity. "I teamed up with Ron Motley from South Carolina who was well-known for his expertise in asbestos cases. A number of other clients who were former fiber industry employees came to our firm, as our reputation grew. The cases were complex, often involving complaints against dozens of companies that manufactured the asbestos-containing materials that contaminated the environments in which my clients worked."

She continues, "The more I learned about these cases, the more I became convinced that the affected workers needed someone who would represent them, because I saw the enormous resources that the corporate defendants dedicated to fighting these complaints. I went out and found-

ed my own practice, and was financially strapped for years because these cases go on for a very long time and the practice had to carry a lot of expenses." Clients came in a steadily growing stream, including employees of Duke Power, Cannon Mills, Alcoa, and the North Carolina state government, with work-related ailments ranging from asbestosis to silicosis, rheumatoid arthritis, leukemia and numerous cancers. Her practice, which now includes partner Bill Graham in addition to eight associates, focuses on personal injury, workers' compensation, consumer issues, toxic torts and product liability.

The firm of Wallace & Graham is administered by Wake Forest University School of Law graduate Jean Martin (JD '98), who says it's a unique place to work, influenced by Wallace's inimitable style. "She's like the circus performer with all those plates spinning on poles — there's always so much going on, but Mona keeps it all under control. It is remarkable how she remembers what is happening with each client, even details about their families. That personal focus draws people to her; she makes each person feel that he or she is the most important person in the room at that moment. She is always at ease, and that makes other people comfortable with her. She is just as comfortable in her jeans and work boots walking through a plant to meet with workers as she is wearing an elegant suit to meet with the governor. More than once, I have heard her described as a little blonde dynamo."

Among the attorneys with whom Wallace has worked on high-profile cases is R. Daniel Boyce, of Boyce & Isley in Raleigh. He says, "Mona is one of the most knowledgeable attorneys our firm has worked with on workers comp. She knows medical evidence and the application of law to medical evidence better than any other attorney we have ever worked with. What sets her apart, besides her extraordinary competence, is her passion for her clients. We worked with her on a complex case with hundreds of plaintiffs, and she was well versed in each individual's situation as well as the overall issues." According to a report in the *Raleigh News & Observer*, the suit to which Boyce refers was one of the largest workers' compensation settlements in North Carolina history, in which more than 400 Weyerhaeuser employees and retirees were compensated for asbestos-related disease.

Wallace's commitment to leveling the playing field has led to extensive involvement with numerous professional and civic organizations and committees. "The professional affiliation and accomplishment that I am most proud of is my work with Trial Lawyers for Public Justice," Wallace says. TLPJ is the trial law firm (with more than 3,000 trial lawyers as members) of the public interest community, supported by members to litigate cutting-edge cases in the fields of con-

sumer rights, environmental preservation, the protection of civil rights and liberties, toxic injury prevention, workers' rights and civil justice reform. Wallace has personally been involved in public interest projects including those pertaining to class action abuse, secreting of corporate documents, mandatory arbitration and increasing access to the court system. She has served on the Executive Committee and Board of Directors of the TLPJ Foundation, the nonprofit membership organization that supports and guides TLPJ's work. About Wallace, TLPJ Executive Director Arthur Bryant says, "Mona is someone who really cares about making the world a better place and America a more just society. She is a very hard worker in our cause, generous with her time and money, and an exceptional leader as well."

The list of Wallace's other organizational affiliations includes serving as Chair of the Catawba College Board of Visitors and a member of the Board of Trustees of Hood Theological Seminary at Livingstone College. For the North Carolina Academy of Trial Lawyers, she serves on the Executive Committee, Workers' Compensation and the Legislative Committee; she is also a Trustee of that organization's Political Action Committee. She is a valued member of the Board of Visitors at the WFU School of Law, for which she has endowed a fund that provides loan repayment assistance for graduates who commit to public service professions.

Family comes first and last for Wallace, trumping any number of accomplishments and accolades. Her two daughters are students at the University of North Carolina at Chapel Hill, and they learned early the same lessons that Wallace absorbed in her childhood. "There were times when my daughters accompanied me as I met with people in trouble, people dying of cancer or at risk of losing their homes. I know that has had an effect on them. My elder daughter is considering pursuing a combination MBA/JD degree after completing her undergraduate work, possibly with an interim job in public interest law."

"It all goes back to where I come from. There were no doctors or lawyers in my family. I knew if I wanted to make a difference, I had to become a trial lawyer. My goal has always been to do the kind of law that would help people." δ

2003-04 FIRM REP PROGRAM*

FIRM LOCATION. AND FIRM REP (WITH CLASS YEAR)

HE WAKE FOREST SCHOOL OF LAW would like to thank the following firms for participating in the Firm Rep Program this year. 34 firms participated this year, representing over 380 law school alumni (the highlighted firms achieved 100 percent alumni participation this year and the representative is listed next to the firm name):

Alala Mullen — Gastonia

Alston & Bird - Atlanta, GA

Alston & Bird — Charlotte, Dick Lupo (JD '85)

Bell Davis & Pitt — Winston-Salem

Blanco Tackabery — Winston-Salem

Brooks Pierce — Greensboro, Forrest Campbell (JD '90)

Carruthers & Roth — Greensboro, Mark Hartman (JD '00)

Cranfill Sumner & Hartzog — Raleigh

Hedrick Eatman — Charlotte, Jeff Kadis (JD '94)

& Heather Twiddy (JD '02)

Helms Mullis & Wicker — Charlotte

Ivey McClellan — Greensboro

Johnston Allison & Hord — Charlotte, Paul Kohut (JD '83)

Kennedy Covington — Charlotte

Kilpatrick Stockton — Charlotte

Kilpatrick Stockton — Raleigh, Jim Cain ('79, JD '84)

& Chris Matton (JD '84)

 $Kilpatrick\ Stockton --- Winston-Salem$

Maupin Taylor — Raleigh

Moore & Van Allen — Charlotte, Joe Fernandez (JD '97)

Nexsen Pruet Adams Kleemeier — Greensboro,

David Senter ('81, JD '84)

Parker Poe — Charlotte

Parker Poe — Raleigh

Poyner & Spruill — Charlotte

Poyner & Spruill - Raleigh

Poyner & Spruill — Rocky Mount, David Warren

('81, JD '84)

Smith Anderson — Raleigh

Smith Moore — Greensboro

Tuggle Duggins — Greensboro

Vernon Vernon & Wooten — Burlington

Ward & Smith — Greenville/New Bern, Merrill Jones

(90, JD '97)

Williams Mullen — Richmond, VA

Womble Carlyle — Raleigh

Womble Carlyle — Winston-Salem

Wyrick Robbins — Raleigh

Young Moore and Henderson — Raleigh

*The Firm Rep Program is an annual grassroots fund raising program for the Law Fund. Firms with five or more Wake Forest law alumni are invited to participate. If your firm is interested in participating and has five or more alumni, contact Mike Roach at (336) 758-5884 or roachjm@wfu.edu.

Alumni Briefs

NEW LAW ALUMNI COUNCIL MEMBERS

We would like to welcome the newest members of the LAC. They are:

*Ed Wyatt (JD '03) — Raleigh

Will Brewer (JD '95) - Nashville, TN

Kevin Condon (JD '82) - Raleigh

Peter Evenson (JD '77) — Greensboro

Sean Fennelly (JD/MBA '99) --- Tallahassee, FL

Karen Knutson (JD '96) — Washington, DC

Dick Lupo (JD '85) - Charlotte

Betsy McMorrow (JD '92) - Boston, MA

*Young Alumni member (ex-officio)

LAW HOMECOMING 2004

THE LAW SCHOOL will celebrate Law Homecoming in conjunction with the rest of the University on October 22-23, when the Wake Forest football team will take on Florida State. There will be lots of food, fun, and football, so plan on coming back to campus and seeing old friends and colleagues from across the University community.

REUNION WEEKEND 2004

IN CONJUNCTION WITH LAW HOMECOMING, the classes of **1954**, **1964**, **1974**, **1979**, **1984**, and **1994** will celebrate their reunions. If you are interested in helping with your class reunion, please contact Mike Roach, Assistant Director of Law Development, at (336) 758-5884 or roachjm@wfu.edu.



SUPREME COURT ADMISSION TRIP

THE LAW SCHOOL SPONSORED its annual trip to Washington, DC, on May 1-3, for alumni to be sworn in to the Bar of the Supreme Court of the United States. This year's attendees were: Paul Kohut, Mark Hartman, Leo Daughtry, Carol Hare, Lisa Pendergrass, James Pendergrass, Dean Walsh, Douglas Parsons, Eugene Pridgen, Randall Morrow, David Jones, Norman Klick and Krista McAninley.

LAW SCHOOL FUNDRAISING RESULTS

Below are the results for the 2003-04 fiscal year. We would like to thank all of you who supported the Law School this year!

	(includes Law Fund)	
Goal for 2003-04 year:	\$2,500,000	\$690,000
Total raised to date:	\$1,344,015	\$645,634

Overall

Law Fund

We are very pleased with these results, especially in light of the difficult economic conditions we experienced during the year. We hope we can build on this year's success and make 2004-05 even more successful!



ALSO N TH S ISSUE:

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WFU Law Named
"Best Private School For Your Money"

Professor Buddy Herring Retires
After 31 Years of Service to the Law School

Professors Green, Chesney and Coughlin Receive 2003-04 Teaching Awards

Wake Forest Appoints New University
Distinguished Chair in Law

Domestic Violence Advocacy Center Wins NC Bar Association Pro Bono Award

Professors Jennifer Collins and Wendy Parker Complete Their First Year at WFU

Exceptional Graduates Receive Deans'
Student Leadership Award at Graduation

